

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

FILED

00 MAR 17 AM 10:37

U.S. DISTRICT COURT  
N.D. OF ALABAMA

KEITH RUSSELL JUDD,

Plaintiff,

vs.

UNITED STATES OF AMERICA, et al.,

Defendants

Case No. CV-00-N-547-S


**ENTERED**

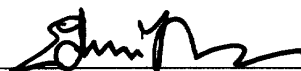
MAR 17 2000

MEMORANDUM OPINION

This is an action by a federal prisoner, seeking a writ of mandamus to “require the State to place the single name of ‘Keith Russell Judd For President of U.S.A. US Passport No. ...’ on the ballot for the 11-7-2000 General Election for President of the United States.” It is not clear what “State” petitioner is referring to. Because this is a petition brought by a prisoner, it is subject to screening and dismissal if it is frivolous, malicious, fails to state a claim, or seeks damages from an immune defendant. 28 U.S.C. § 1915(e)(2)(B) and § 1915A(b). This petition is plainly frivolous because it is indisputably meritless and grounded on delusion and fantastic factual allegations. Denton v. Hernandez, 504 U.S. 25, 112 S.Ct. 1728, 118 L.Ed. 2d 340 (1992); Neitzke v. Williams, 490 U.S. 319, 109 S.Ct. 1827, 104 L.Ed.2d 338 (1989). It fails to identify to whom the mandamus should issue, and it fails to explain how a prisoner, presumably convicted of a felony for which he has forfeited his civil right to hold office, can qualify as a candidate for office. There is no allegation that he has actually tried to qualify for office and has been denied access to the ballot, much less denied access for some reason that may infringe the constitution.

By separate Order the petition will be denied and dismissed with prejudice.

DATED this the 17<sup>th</sup> day of March, 2000.

A handwritten signature in black ink, appearing to read 'Edwin L. Nelson', written over a horizontal line.

EDWIN L. NELSON  
UNITED STATES DISTRICT JUDGE